REMARKS

All of the currently pending claims stand rejected under 35 USC 103. Applicants respectfully traverse these rejections and request reconsideration for the reasons set out below.

Claim 1 stands rejected over the combination of three previously cited references, *Rostocker*, *Christian*, and *Lee*, together with the newly cited reference *Chen*.

As Applicants have previously pointed out, the publication date of *Christian* is later than Applicants' effective filing date. Therefore, it is respectfully requested that *Christian* be withdrawn as an improper reference under 35 USC 103.

Before the last office action was mailed, Applicants had amended claim 1 to further recite that time diversity is applied to the header but <u>not the video payload</u> of a transmitted uplink radio burst.

In the last office action (to which the present response is directed), the Examiner cited the new reference *Chen* as disclosing the application of time diversity to the header but not to the video payload. However, Chen makes it clear that only the <u>physical layer</u> header, containing the coding scheme specification, is duplicated within the frame format. This can be seen, for example, at Chen, column 4, lines 36-38 and 49-61.

On the other hand, Chen places the the <u>MAC/RLC</u> header information within the <u>payload</u> to which the physical header is appended. In this regard, see Chen, column 5, lines 16-35, and FIG. 3. Thus, Chen teaches that MAC/RLC information should be treated <u>differently</u> from physical layer header information. Whereas the physical layer header may be duplicated, the MAC/RLC header is treated in that regard as payload information and is <u>not</u> duplicated.

The present invention as described by claim 1 is distinctly different. As will be seen from the present Specification at page 3, line 22, to page 6, line 4, it is precisely the RLC/MAC header that is meant to be subjected to time diversity. Claims 1 and 8 have been amended to more particularly point out this feature.
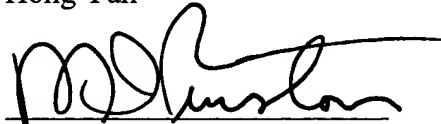
It is respectfully submitted that Chen neither teaches nor suggests the application of time diversity to the RLC/MAC header. For the reasons set forth above, it is further submitted that Chen in fact teaches away from such a feature. Accordingly, it is

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respectfully submitted that claim 1 with its dependent claims 4,6, and 7 is patentable over the cited references under the standard of 35 USC 103. For substantially the same reasons, it is further submitted that claim 8 with its dependent claim 9 is similarly patentable.

Accordingly, reconsideration leading to allowance of all claims now pending in the application is respectfully solicited.

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Date: May 1, 2006